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PTO/SB/64 (10-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) M1851-10
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First named inventor: Norman BRIDGES

Application No.: 09/403,205

Group Art Unit: 2167 (previously was 3618)

Filed: December 6, 1999

Examiner: GORT, E.

Title: A CARRIAGE FOR A ROLLER SKATE

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FEB 22 2002

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$640.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of A timely and proper Amendment response (identify type of reply):

has been filed previously on August 1, 2001.

is enclosed herewith. (Copy of the August 1, 2001 submission)

B. The issue fee of \$_____.

has been paid previously on _____.

is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

February 2, 2002

Date

Telephone
Number: 914 667-6755


Signature

Andrew F. Young, Esq. Reg. No. 44,001

Typed or printed name

Morrison Law Firm, 145 North Fifth Avenue

Address

Mount Vernon, NY 10550

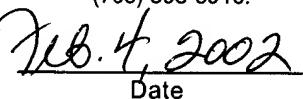
Enclosures: Fee Payment

- Reply
- Terminal Disclaimer Form
- Additional sheets containing statements establishing unintentional delay
Supplement Statement re:Petition, Confirmation Post Card, copy of previous
- Other: 8/1/01 submission

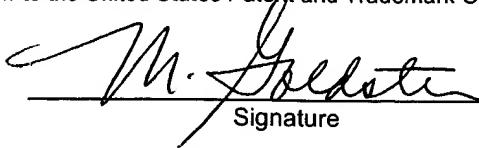
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.



Date



Signature

Margaret L. Goldstein

Type or printed name of person signing certificate



#9

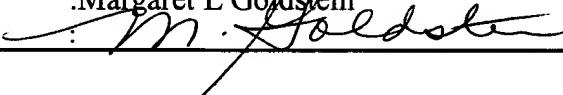
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Norman BRIDGES
Serial No. : 09/403,205
File Date : December 6, 1999
Title : A CARRIAGE FOR A ROLLER SKATE
Examiner : GORT, E.
Art Unit : 2167 (previously was 3618)
Docket No. : M1851-10

Certificate of Mailing:

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Hon. Assistant Commissioner for Patents, Washington, DC 20231

Date : Feb. 4, 2002
By : Margaret L Goldstein
Signature : 

BOX DAC

Hon. Assistant Commissioner for Patents
Washington, D.C. 20231

SUPPLEMENTAL STATEMENT IN SUPPORT OF PETITION FOR
UNINTENTIONAL ABANDONMENT 37 CFR §1.137(b)

Sir:

Applicants herein provide a supplemental statement. Enclosed is a complete set of the documents timely submitted on August 1, 2001. This complete set includes a proper and complete response, certificate of mailing, a check for over the amount necessary, and a confirmation post card.

Since the area on the PTO/SB/64 form is limited, Applicants note that the above timely and proper response seems to have gone awry after submission. Upon the events below, checking our bank and accounting records, and the file itself; it is clear that our check no. 22246 has not been cashed and the confirmation postcard has not returned. Due to the circumstances surrounding mail submissions and responses in the recent past, we respectfully submit that this petition for unintentional abandonment shows Applicant's clear intent to timely respond to the outstanding Office action of February 1, 2001. It is Applicants experience that other submissions, of or about five months previous, have been recently received in other cases, and return postcards and checks either received late or unfortunately not at all. While this time delay period exists in a minority of cases, it does occur.

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Thus, Applicants were not initially concerned that no response from the Examiner or Office had occurred (nor check cashed nor post card received) other than the Notice of Abandonment, in this case for approximately 5 months. It is our normal practice to submit verbal or written Status Inquiries in cases from 6 to 8 months old, but with the recent events, even this time has been flexed through conversation with other Examiners.

Compounding this expected delay were the additional disruptions for New York and New Jersey mail and our late receipt of the Notice of Abandonment on or around the end of September or early October.

Our investigation indicates that upon receiving the Notice of Abandonment, the previous Agent for Applicants immediately contacted the examiner who indicated no receipt of the submission, but instructed Applicants not to be concerned since two plus month delays were not unusual due to the recent and continuing mail events at that time, and to check again in about two-three months (around December or year end). Unfortunately, the Notice of Abandonment was subsequently misplaced by the Agent in a location normally devoted to noncritical follow-ups. Upon our rediscovery of this Notice of Abandonment on or about January 15, 2002, the undersigned immediately called the USPTO on January 15, 2002 to ascertain whether the previous submission had been finally received and the Notice of Abandonment removed. In the subsequent few days, with additional phone calls and messages, the undersigned determined the above circumstances and submits our petition herein. It is Applicants respectful submission, that the approximate three and one-half months from receipt, on or around the end of September/early October of the Notice of Abandonment and our initial call to the Examiner, to our initial discovery of misplacement, rapid investigation, and the subsequent petition is a completely unintentional delay of sufficient showing under 37 C.F.R. §1.137(b). Applicants respectfully request grant of this petition and entry of the previously filed proper submission and continued prosecution in the instant case.

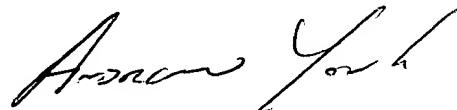
The requisite fee for such a petition, is herein enclosed or alternatively authorized for withdrawal from Deposit Account No. 13-4550. In addition, authorization is given to charge any

present deficiencies and return any overpayments to the same deposit account.

Applicants respectfully note that the instant application is a small entity status since a small entity submission was mailed on December 2, 1999 and the small entity receipt received from the PTO.

Applicants respectfully note that they will promptly respond to any phone or other inquiry.

Respectfully Submitted,



Andrew F. Young, Esq.
Reg. No. 44, 001
Attorney for Applicant

MORRISON LAW FIRM
145 North Fifth Avenue
Mount Vernon, New York 10550
(914) 667-6755
Date: February 2, 2002

Enclosed Documents:

- Previously timely submission, copy of check and confirmation post card
- Petition Fee
- Confirmation Post card for this Petition

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